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Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

I. Introduction

1. In paragraph 30 of resolution 1546 (2004), the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the eleventh submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the last report (S/2006/945) of 5 December 2006. It presents a summary of key political developments during the period under review, particularly concerning the efforts of the Government of Iraq to promote national reconciliation and improve the security situation, as well as regional and international developments pertaining to Iraq. The report also provides an update on the activities of my Special Representative for Iraq, Ashraf Jehangir Qazi, and UNAMI, an assessment of the security situation and an update on operational and security matters.

II. Summary of key developments in Iraq

A. Political developments

3. During the period under review, high levels of violence in Iraq continued to overshadow political and reconstruction efforts by the Government of Iraq and the international community. It has also had an adverse impact on the humanitarian and human rights situation. The deteriorating situation has further undermined the social and political fabric of the country, with the number of internally displaced persons and refugees reaching new highs.

4. The worsening security situation, particularly in Baghdad and in the southern and western regions, continues to undermine the ability of the Government of Iraq to deliver essential services, create jobs, and reconstruct socio-economic infrastructure. In particular, as a result of curfews and general insecurity, access to health services continues to be very difficult, and treatment is not always guaranteed, owing to the severe shortage of medical equipment and drugs. According to the Iraqi Ministry of Education, school attendance has drastically fallen to approximately 50 per cent in 2006. Given the worsening situation, many

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Iraqis are turning to local groups or militias for protection or the provision of basic services. In response, the Government of Iraq has focused its efforts on countering the prevailing violence through the launch of the new Baghdad security plan, code named Operation Fardh al-Qanoon (Operation Imposing Law).

5. On 10 January 2007, President Bush outlined the details of the new United States strategy for Iraq in a televised policy speech. In addition to security operations, the approach includes military, social and economic milestones intended to bolster progress on the ground. The intention is for the Government of Iraq to take responsibility for security in all provinces by November 2007; hold provincial elections no later than the end of 2007; ensure the fair allocation of $10 billion of Iraqi funds for reconstruction and infrastructure projects to create new jobs; finalize legislation on the equitable sharing of oil revenues; revise the de-Baathification law; and establish a fair process for the review of the Iraqi Constitution. In the same policy speech, President Bush asserted the intention of the United States of America to interrupt activities emanating from the Islamic Republic of Iran and the Syrian Arab Republic, in particular those that are allegedly supporting attacks on American troops. Subsequent interventions by the multinational force in Iraq against Iranian nationals, including arrests in Erbil and Baghdad, have heightened diplomatic tensions. The Islamic Republic of Iran denied the allegations, and the Foreign Minister of the Islamic Republic of Iran stated that the arrested officials were in Iraq at the invitation of the Government of Iraq.

6. On 16 and 17 December 2006, Prime Minister Al-Maliki hosted a conference of political parties and entities as part of the Government's national reconciliation plan. The event was largely attended by political parties within the national unity government, while those with ties to the Ba'ath Party, the Sadrist bloc, the Iraqiya list of Ayad Allawi, and the Iraqi Front for National Dialogue led by Saleh al-Mutlak did not officially attend. However, numerous members of each group participated in their own personal capacity. The conference concluded with a statement recommending, among other items, the dissolution of militias, the expedited withdrawal of the multinational force, and the re-incorporation of veteran army personnel.

7. The Council of Representatives was unable to establish a quorum throughout much of December 2006 and January 2007, partly owing to a boycott by the 30 Sadrist bloc members, thereby delaying the adoption of numerous important laws. The Sadrist bloc resumed participation in the Government and the Council of Representatives on 21 January 2007, after suspending involvement on 30 November 2006. When the full Parliament reconvened on 23 January 2007, the law on the formation of the Independent High Electoral Commission was passed, as well as the state of emergency law, which had lapsed on 31 December 2006. The Council of Representatives also approved the 2007 budget on 8 February 2007, which, at $41 billion, is the largest budget in the history of Iraq. The budget indicates a $7 billion deficit, and it will reportedly draw from the surplus from the 2006 fiscal year.

8. Additional legislation considered to be central to the national reconciliation strategy, as envisaged by the Baghdad security plan, remains pending. In particular, the hydrocarbon law, which is essential for both national unity and the economic development of Iraq, is still under consideration. The draft law, along with complementary legislation, aims to establish investment and management

procedures for the oil industry and to make progress towards reaching an agreement on the sharing of the nation's oil revenues and federal oversight of regionally negotiated oil contracts. Following extensive negotiations, the draft law was endorsed by the Council of Ministers on 27 February 2007, and will be submitted to Parliament, which will reconvene in March. Other key pieces of legislation are pending, including those on de-Baathification, provincial elections and a possible amnesty law.

9. The Baghdad security plan was formally launched on 13 February 2007 in a live televised address by General Qanbar, Commander of Baghdad security plan operations. General Qanbar announced that the launch of the Baghdad security plans would be accompanied by closure of the borders with the Syrian Arab Republic and the Islamic Republic of Iran for a period of 72 hours and the extension of curfew hours in Baghdad. Illegal occupants of real estate property belonging to displaced persons were given 15 days to vacate and return such properties with their assets to their legal owners. Prime Minister Al-Maliki distinguished the new plan from past efforts by highlighting Iraqi control of security operations with United States troop support, the decision to confront all armed groups regardless of religious or political affiliation, and the combination of reconciliation and economic measures.

10. Following the start of the Baghdad security plan there was a decrease in civilian casualties in Baghdad, particularly in the number of unidentified bodies found in the city, and in the frequency of car bomb attacks. Car bombings resumed shortly after the implementation of the plan, apparently in an attempt to discredit the plan, cause large numbers of civilian casualties and provoke retaliatory actions. The initial reduction of violence in Baghdad has been attributed by some commentators to the decision of militias to keep a low profile during the security operations, thus prompting concern that they will quickly re-emerge once the security plan is completed. The plan also enjoyed initial political support, as indicated by the parliamentary vote on 25 January, when all 160 members of Parliament present at the session voted in favour of the plan. However, leaders on all sides started voicing scepticism weeks after the security operations commenced.

11. On 6 February 2007, the High Commission on the Implementation of Article 140, regarding the status of Kirkuk, announced Orders Nos. 3 and 4, which were intended to commence the process of relocating Arab families that moved to Kirkuk during the "Arabization" campaign of Saddam Hussein. The Orders, which require approval by the executive branch, offer compensation to relocated families. The announcement by the Commission was followed by demonstrations in Kirkuk by opponents of the measure, who claimed it was tantamount to forced displacement. In response, Commissioners clarified that the relocation and compensation mechanisms were strictly voluntary and that 7,000 families had reportedly registered for relocation. It is not clear how the cases handled by the High Commission will relate to those processed by the Commission for Resolution of Real Property Disputes, which is responsible for settling claims by people who lost property as a result of actions of the Ba'athist regime during the period from 1968 to April 2003. More than 50,000 Kirkuk-related claims have been filed with the Commission for Resolution of Real Property Disputes to date.

12. Kirkuk remains a highly sensitive issue, which should be approached cautiously, as it could worsen an already complex situation both inside Iraq and in the region. United Nations experts believe that before a successful referendum on

Kirkuk and disputed territories can be conducted, as mandated under article 140 of the Iraqi Constitution, several outstanding technical issues must be resolved. These include clarification of the specific issues on which people would be voting; the definition of the boundaries of the territories subject to the referendum; the establishment of a credible voters' register; criteria for identifying the threshold for passage of the referendum; and the completion of a census prior to the referendum.

13. In the prevailing atmosphere of mistrust among Iraqi communities, recent attempts to reach across the ethnic and religious divide have been welcomed. On 7 February 2007, Grand Ayatollah Ali al-Sistani released a statement that listed commonalities between Shiite and Sunni Muslims, called for unity and coexistence based on mutual respect, and asserted the sanctity of Muslim blood. In addition to denouncing false fatwas made in his name, the Grand Ayatollah declared that it was the duty of all Muslims to reduce tensions caused by political disputes and focus on strengthening ties between the children of the nation of Iraq. On 10 February 2007, dozens of Shia and Sunnis gathered for the re-opening of a Sunni mosque in Shiite-dominated Sadr City. A month earlier, on 10 January 2007, a senior Sadrist official concluded an agreement with the Sunni Iraqi Islamic Party to form joint committees in mixed neighbourhoods in Baghdad to cooperate on security and returns of internally displaced persons. In Basra, joint Sunni and Shiite committees were formed in February 2007 to reopen and protect Sunni mosques closed in the aftermath of the attack on the Samarra shrine in February 2006. More initiatives of these kinds are essential to help build confidence and encourage Iraqi communities to end their mistrust of each other.

B. Regional developments

14. During the period under review, several developments and events pertaining to Iraq took place in the region. A meeting of a contact group on Iraq of the League of Arab States, which took place in Cairo on 5 December 2006, expressed solidarity with Iraq and rejected all forms of violence in the country. On 10 December 2006, the Iraqi National Security Adviser attended a regional security summit in Bahrain and reiterated the centrality of national reconciliation in the strategy of the Iraqi Government to establish security in the country. Most notably, on 14 January 2007, President Talabani paid an official visit to the Syrian Arab Republic, the first by an Iraqi head of State in nearly 30 years. At the end of his visit, a joint communiqué between the Governments of Iraq and the Syrian Arab Republic called for greater political coordination, economic cooperation and improved water resource management between the two countries.

15. The increasing number of Iraqi refugees and internally displaced persons continues to be a serious concern for neighbouring countries. In response to the growing unease in the region, the United Nations High Commissioner for Refugees visited Saudi Arabia, Jordan and the Syrian Arab Republic during the month of February 2007, to highlight the plight of Iraqi refugees residing in these respective countries. That effort followed a $60-million appeal launched by the Office of the United Nations High Commissioner for Refugees (UNHCR) on 8 January 2007 to provide support for the hundreds of thousands of Iraqi refugees and internally displaced persons in the region. The High Commissioner praised the generosity of Jordan and the Syrian Arab Republic for hosting such large numbers of Iraqis.

16. In an effort to promote greater regional dialogue, the Government of Iraq has invited neighbouring States to participate in a preparatory meeting of the Foreign Ministers' meeting of Iraq's neighbours, to be held in Baghdad at the level of senior official on 10 March 2007. I welcome this new diplomatic initiative, as it is in keeping with the United Nations call for the convergence of national, regional and international efforts in support of the people and Government of Iraq.

C. International developments

17. Preparatory activities for the International Compact with Iraq continued and resulted in the finalization of documentation. At the request of Prime Minister Al-Maliki, I have decided to host a meeting in New York on 16 March 2007, in an effort to brief Member States on the status of the International Compact with Iraq and to provide the Iraqi Government with an opportunity to inform potential donors on the progress made in the implementation of its commitments made under the Compact. I hope that the date and venue of the launch of the Compact will be identified as soon as possible. I also strongly believe that positive political progress and a reduction of violence are essential preconditions for the success of this initiative.

18. On 23 February 2007, the High Commissioner for Refugees announced that UNHCR will convene an international conference in Geneva on 17 and 18 April 2007, to discuss the humanitarian needs of refugees and displaced people inside Iraq and neighbouring countries. The ministerial-level conference will bring together Iraqi authorities, neighbouring countries, major donor countries, resettlement countries, and concerned regional governmental and non-governmental organizations (NGOs). It will focus on a broad range of issues and objectives, including raising awareness on the dimensions of the displacement crisis and the protection and assistance needs of those affected. The conference will also consider ways to encourage the international community to work collectively to ease the suffering of millions of refugees and displaced persons in the region.

III. Update on activities of the Mission

A. Political activities of the Special Representative of the Secretary-General

19. During the period covered by the present report, my Special Representative, Ashraf Jehangir Qazi, maintained regular contacts with a wide spectrum of Iraqi political, religious and tribal actors. He met with officials at various levels of the Government of Iraq and the Council of Representatives in an effort to foster political dialogue and discuss legislative matters, as well as other priority concerns for UNAMI. In all of his meetings, he encouraged efforts to lessen the prevailing violence in Iraq and its impact on Iraqi citizens. My Special Representative also held regular meetings with diplomatic representatives in Baghdad and updated them on his contacts in Iraq and in the region.

20. In an effort to better understand regional perspectives on Iraq, my Special Representative undertook a tour of the region, meeting with senior government officials of the Islamic Republic of Iran, Jordan, Kuwait, Saudi Arabia, the Syrian

Arab Republic and Turkey. The overall objective of the tour was to hear the views of key interlocutors and encourage their respective countries to adopt a more positive, proactive and shared approach to supporting the Government of Iraq in its efforts to reduce violence and promote national dialogue. They expressed deep concern about the deteriorating situation in Iraq and the prospects of the instability spreading to neighbouring countries. Some officials were also critical of the way in which the situation was being handled and the actions of some external actors inside Iraq. However, there was wide agreement that every effort should be made to find solutions and work towards preserving the unity and territorial integrity of Iraq. There also appeared to be broad support for a more active United Nations role to strengthen regional dialogue and promote confidence-building.

21. On 18 February 2007, my Special Representative attended the fifth United States-Islamic World Forum in Doha, hosted by the Brookings Institution, with the support of the Ministry of Foreign Affairs of the State of Qatar. In his address on Iraq, my Special Representative stressed the need for neighbouring States to come together and find common ground on the way forward in Iraq. Constructive policies by all the neighbouring States are essential to reduce violence and increase the prospects for a political settlement to take root in Iraq and pave the way for national reconciliation.

B. Constitutional support activities

22. The UNAMI Office of Constitutional Support continued to assist the Constitutional Review Committee of the Council of Representatives in its mandate to conduct a comprehensive review of the Iraqi Constitution. In addition to facilitating substantive dialogue among the members of the Committee and strengthening the Committee's outreach capacity to civil society during the constitutional review process, UNAMI, the Committee and the Council of Representatives agreed on a defined programme of support, including the staffing and equipment needs of the Committee that will be provided by the Mission. During the reporting period, the Office of Constitutional Support also provided technical assistance to the Iraqi judiciary on the issues of federalism, wealth and resource-sharing, the judicial architecture and human rights.

23. In December 2006, the Constitutional Review Committee began weekly plenary sessions to discuss priority issues in the constitutional text on the basis of an issues paper prepared by UNAMI. From 21 to 23 January a multi-party dialogue sponsored by the Office of Constitutional Support was held in Cairo on Iraqi judicial architecture under the theme "Mapping a new federal judicial system for Iraq". It was attended by representatives of the Constitutional Review Committee, the Council of Representatives, the Higher Judicial Council, the Prime Minister's Office, international experts, Iraqi academics, judges, and members of Iraqi civil society. Participants focused on constitutional amendments and implementation of legislation necessary to create a functional federal judiciary. In particular, the discussion focused on ways to strengthen and further define the Higher Judicial Council, the Federal Supreme Court and the Federal Court of Cassation, reinforce the independence of the judiciary, clarify the structure of the regional judiciary and adjudicate constitutional disputes.

24. In February 2007, the Office of Constitutional Support took members of the Constitutional Review Committee on study tours to three federal jurisdictions, in Spain, Germany and Malaysia, to gain from the experience of those countries with federal arrangements and to interact with parliamentarians, government officials and judges. From 25 to 28 February in Dubai, two inter-party dialogues relating to federalism and fiscal flows were facilitated by the Office of Constitutional Support and organized by the United Nations Office for Project Services (UNOPS) to allow Committee members to hold internal discussions on principal challenges and potential constitutional amendments required for the construction of a viable federal system. Leading international experts in these fields, including representatives from the World Bank, engaged the Iraqi delegation, which included members of the Committee, the Council of Representatives and the federal Government. Specifically, the topics included: collaboration, coordination and autonomy in the exercise of federal and regional powers; the modalities of intergovernmental collaboration and cooperation; constitutional provisions on fiscal flows and the current practice in Iraq; petroleum management, revenue management and taxation; criteria for fiscal equalization; federal Government roles in foreign affairs and federal interventions in the regions; modalities for transitioning from governorates to the regions; and the division of powers between the federal Government and the regions.

25. At the completion of each of the above events, the Office of Constitutional Support engaged with participants in Iraqi-only sessions to reflect on the issues presented and to discuss their application to the Iraqi Constitution. These sessions represented opportunities for the Committee members representing all of Iraq's major political blocs to hold substantive discussions on specific topics potentially warranting amendments to the Constitution.

C. Electoral assistance activities

26. The law on the formation of the Independent High Electoral Commission was enacted by the Council of Representatives on 23 January 2007. The law is currently pending approval by the Presidency Council. Following ratification by the Presidency Council, the law provides for a period of 60 days for the selection of members of the new Commission. UNAMI will advise on the selection process and anticipates that a new Commission may be in office by April 2007. Pending the transition to the Independent High Electoral Commission, the Independent Electoral Commission of Iraq will continue to operate under a caretaker mandate.

27. UNAMI continues its engagement with the Independent Electoral Commission of Iraq and has undertaken a comprehensive capacity-building assessment of the institution. In close consultation with Iraqi counterparts, the assessment will form the framework for the planning and activities of the UNAMI Electoral Assistance Office for the first part of the year. It will include the induction of the new Commission and continued development of electoral infrastructure and the technical capacity of the administration.

28. Significant challenges remain in preparing for any future electoral events in Iraq. First and foremost, there is currently no fully empowered electoral commission. In addition, the core legal framework for electoral activities is not yet in place; it must include enabling legislation for referendums on disputed territories,

including Kirkuk; governorate elections; and a referendum on constitutional amendments. Furthermore, no progress has been made on the voters' register or boundary delimitation issues, and the electoral budget has been significantly cut, thereby requiring additional funds if electoral activities are to be held. Assuming these conditions are met, the Independent Electoral Commission of Iraq believes that at least six months will be required to prepare and conduct an election event.

29. UNAMI will assist the Commission in meeting these challenges by supporting legislative drafting, developing a governorate-level electoral capacity, advising on electoral systems and developing a credible voters' list. Planning for the next electoral cycle will depend on the successful engagement of these processes under the deteriorating humanitarian and security conditions.

D. Reconstruction, development and humanitarian assistance

30. The humanitarian situation in Iraq has worsened steadily during the reporting period. Large-scale outflows are already taking place, with the number of people seeking refuge steadily rising. According to UNHCR, there are approximately 2 million Iraqi refugees in neighbouring countries, largely located in the Syrian Arab Republic and Jordan, placing a considerable strain on the resources of these States. Working closely with the relevant United Nations agencies and the Human Rights Office, UNAMI is monitoring the situation to ensure that needs are identified and addressed where possible within existing resources, while determining gaps that must be filled. According to UNHCR, International Organization for Migration and government sources, of the 1.9 million internally displaced persons in Iraq, approximately 712,000 have been displaced in the past 12 months as a result of sectarian violence and military operations. Nearly 80 per cent of these internally displaced persons are from the central and southern governorates, indicating a massive movement of the population along ethnic and/or sectarian lines. Above all, Iraq is experiencing a protection and human rights crisis that has the potential of turning into a full-scale humanitarian emergency if the prevailing climate of fear, impunity and disorder is not addressed in conjunction with efforts to meet basic material needs.

31. Implications of this situation are far-reaching. An increasing number of children are unable to attend school, particularly in the Baghdad area. Brain drain continues, as professionals and skilled workers leave the country. Unemployment and inflation rates are escalating. The standard of living of all Iraqis has fallen, despite ongoing initiatives to reconstruct infrastructure and capacities to deliver basic services such as electricity, health, drinking water and sanitation. Food security is tenuous, with more than a third of the population dependent on a rapidly deteriorating food ration distribution system (public distribution system). The impact of this situation on children in particular is leading to increased chronic and acute malnutrition rates, school dropout rates and truancy rates. Access to health services is weakening, as insecurity jeopardizes efforts to maintain even the most basic services.

32. Advocacy efforts initiated by the Emergency Relief Coordinator have resulted in an initiative that is gathering momentum, and the Acting Emergency Relief Coordinator has worked to mobilize the United Nations system, donors and the Iraqi Government to assess the situation and determine possible courses of action. These

include information-gathering and coordination mechanisms, with counterparts in neighbouring countries, in anticipation of worst case scenarios, namely, significant outflows of people from Iraq.

33. Relevant United Nations agencies, NGOs and the International Committee of the Red Cross (ICRC) also met in Geneva on 31 January 2007 to discuss the deteriorating humanitarian situation in Iraq. The meeting was co-chaired by the Acting Emergency Relief Coordinator and the Humanitarian Coordinator for Iraq. It reached an agreement to keep Iraq on the humanitarian agenda of the United Nations system while determining the scope and scale of the United Nations response to the situation. Consultations with donors and the Government of Iraq continued in February 2007 and will be followed by efforts to define the role of the United Nations system on the basis of gaps in assistance.

34. As the unfolding humanitarian crisis becomes more evident, the United Nations is increasingly called upon to provide leadership. UNAMI and the United Nations country team will continue their reconstruction and development programmes wherever possible in Iraq, including providing support for the International Compact with Iraq, while also maintaining a strong advocacy role in humanitarian and human rights issues. Addressing humanitarian issues could also create space for political and economic development initiatives.

E. Human rights activities

35. Civilians remain the primary victims of the prevailing security situation, which is characterized by terrorist acts, and action by armed groups, criminal gangs, religious extremists and militias, as well as operations by security and military forces. Daily acts of violence feed a cycle of retaliation involving mortar attacks, kidnappings and assassinations. The relentless violence has disrupted essential services, especially access to the most vulnerable groups, and has led to further displacement of civilian populations. In the absence of concrete measures by the Iraqi Government to address the prevailing climate of impunity, the violence maintains a crippling effect on institutions that promote the rule of law, particularly the security forces and the judiciary.

36. According to the Iraq Ministry of Human Rights, there were 30,622 detainees in Iraq at the end of January 2007, including 13,989 detainees held by the multinational force. Following investigations into reported abuses at Ministry of Interior facilities, the Iraqi Government issued arrest warrants for 52 personnel from the Site 4 facility. Until now, those arrest warrants have not been enforced. In January 2007, joint prison inspections by the multinational force and Iraqi authorities resumed after a break of seven months. Holding law enforcement officials accountable is essential for removing a culture of impunity and strengthening the capacity of institutions to promote the rule of law. This is of particular importance now, as the implementation of the Baghdad security plan is expected to lead to additional detentions.

37. Armed groups continue to target professionals, such as academics, health workers and journalists. The Committee to Protect Journalists reported that 47 media workers died as a result of targeted assassinations, crossfire or other acts of war in 2006. Accurate casualty figures for medical professionals, who have been similarly targeted, are not currently available, as many have fled Iraq. Their

departure has exacerbated the already depleted number of health workers across the country. The Iraqi Association of University Lecturers reported that some 300 academics and university administrators have been killed since March 2003. For example, Mustansiriyah University in Baghdad was the target of heinous terrorist attacks on 16 January and 25 February, resulting in the death of dozens of students and university workers.

38. The Palestinian community in Iraq, currently estimated at more than 15,000 persons, suffers from regular intimidation, kidnappings and assassinations. On 23 January 2007, unidentified men, some of whom were in police uniforms, abducted 60 Palestinians from their homes in three Baghdad neighbourhoods. When released, some victims showed signs of physical abuse. UNAMI records indicate that 186 Palestinians were killed between April 2004 and mid-January 2007. Approximately 700 Palestinians have sought refuge on the border between Iraq and the Syrian Arab Republic and at the Al-Waleed Camp on the Iraqi side of the border. UNHCR and its NGO partners are providing food, water, supplies and medicine, while ICRC is supplying tents and other essential relief items. On 8 February 2007, a senior representative of the Palestinian Authority visited Iraq, after several failed attempts. He sought assurances from President Talabani and Prime Minister Al-Maliki that Palestinians in Iraq will be protected.

39. On 26 December 2006, the Appeals Chamber of the Iraqi High Tribunal unanimously dismissed the appeals of Saddam Hussein and his two co-defendants, Barzan al-Tikriti and Awad al-Bandar, upholding all three death sentences. The Appeals Chamber returned the case of a fourth defendant, Taha Yassin Ramadan, to the Iraqi High Tribunal for re-sentencing, recommending a harsher sentence than the term of life imprisonment that he had received. The Special Rapporteur on the independence of judges and lawyers, in a statement made on 27 December 2006, expressed concern at the failure of the panel to address the grave shortcomings in the trial. He urged the Government not to carry out the death sentences following an allegedly procedurally flawed legal process. The United Nations High Commissioner for Human Rights, Louise Arbour, called for restraint by the Iraqi authorities and reiterated her concerns about the appeal process and fairness of the original trial. Saddam Hussein, however, was executed on 30 December 2006. The other two co-defendants were executed on 15 January 2007.

40. On 8 February 2007, the United Nations High Commissioner for Human Rights filed a legal brief as amicus curiae with the Iraqi High Tribunal, arguing against the imposition of capital punishment in the case of Taha Yassin Ramadan. In her submission, the High Commissioner argued that

> "The egregious violations of human rights that took place in Iraq over decades have been well documented by the United Nations human rights system ... There is no doubt that the horrors of the past must be effectively addressed and their perpetrators must be brought to justice ... At the same time, experience and history in very different contexts around the world have shown the absolute indispensability of the integrity of such proceedings, both in fact and perception, for true understanding of the past, for national reconciliation and for the construction of a just, durable, and sustainable society founded on the rule of law and respect for human rights of both victims and defendants."

On 12 February 2007, the Iraqi High Tribunal announced its decision to sentence Mr. Ramadan to death.

41. A series of meetings were organized in Baghdad in December 2006 to help the Ministry of Human Rights expand its programme, improve its cooperation with NGOs and the media, and strengthen its lobbying capacity. UNAMI also supported the High Judicial Council in its leadership of the sector working group on the rule of law, composed of the Iraqi Government, donors and the United Nations system. On 13 January 2007, the working group adopted a plan for justice sector reform.

IV. International Reconstruction Fund Facility for Iraq

42. As of 31 January 2007, the total contributions to the United Nations Development Group (UNDG) Iraq Trust Fund, one of the two funds of the International Reconstruction Fund Facility for Iraq, equalled $1.12 billion. A total of 113 projects, valued at $893 million, were approved as of the end of January 2007 for funding under the UNDG Iraq Trust Fund. Continuing the significant progress in implementation, contracts worth a cumulative $693 million (78 per cent of total approved funding) have been initiated and $591 million (66 per cent of total approved funding) have been disbursed.

43. At the invitation of the Government of Turkey, the fifth meeting of the International Reconstruction Fund Facility for Iraq Donor Committee will take place in Istanbul, Turkey, on 20 March 2007. At the Istanbul meeting, the United Nations and the World Bank will present reports on the activities undertaken through the two Funds and present an assessment of results achieved. The Donor Committee will also consider various strategic and policy issues related to the scope and future operations of the International Reconstruction Fund Facility for Iraq.

V. Security and operational issues

A. Assessment of the security situation

44. The security situation in Iraq remains complex and unpredictable, particularly as responsibility for security is transferred from the multinational force to the Iraqi security forces. The ability of the Iraqi security forces to fulfil this requirement is yet to be fully tested. The security situation remained serious during the reporting period, with deepening conflict between various political parties, factions, militia groups and elements of the insurgency. This situation is graphically manifested in Baghdad, where the hostilities and violence have continued despite initial successes under the Baghdad security plan.

45. The United Nations presence and activities in Iraq continue to be severely limited by the prevailing security situation in the country. However, with significant mitigation measures and proper training of United Nations staff members, the risk level continues to be assessed at the medium level. The threat of indirect fire remains high and the use of false uniforms and identity cards by armed opposition groups pose a serious concern. Additionally, new tactics involving the use of chlorine gas in their weapons systems is worrisome. Of particular concern to the United Nations were the recent successful attacks on eight helicopters in Iraq. Six multinational force and two United States Department of State contractor helicopters have been attacked and destroyed since early January. Although all were involved in

supporting combat operations, UNAMI continues to re-evaluate the level of risk posed to United Nations staff using this mode of transportation.

46. Serious security incidents continue at a high rate, with a daily average of 160. There has been a corresponding rise in the level of casualties among civilians, the multinational force and Iraqi security forces. The conflict continues to be characterized by attacks against the multinational force and sectarian violence by insurgents and militias. They use suicide bombings, assassinations, kidnappings and indiscriminate indirect fire attacks, using both rockets and mortars. Incidents against the multinational force are particularly intense in Ramadi and Falluja, with frequent roadside ambushes and sustained attacks against police and military bases. The alleged presence of Al-Qaeda in Iraq, in Diyala and al-Anbar provinces, has been a factor in sustaining and widening the conflict. Despite the focus on the security situation in Baghdad, it is not always apparent that violent incidents take place in almost all areas of Iraq.

47. While the Kurdish region remains relatively calm, a series of incidents have caused concern. Following the raid on the Iranian office in Erbil by the multinational force, there was a period of tension and friction between the multinational force and the local security forces. In February 2007, Kirkuk also suffered waves of car bombings. Also in the north, Mosul and Tal Afar witnessed multiple bomb attacks.

48. The multinational force continued intensive operations in the Diyala province, with extensive cordon-and-search operations in Balad Ruz and Baqubah. Numerous suspects were detained and weapons caches discovered. Despite these operations, the insurgency continues in Diyala and al-Anbar provinces. Major routes through Falluja and Ramadi are persistently ambushed by armed opposition groups employing increasingly effective explosive devices and improved tactics.

49. In Baghdad, Sunni and Shiite neighbourhoods are engaged in frequent reciprocal assaults, using improvised explosive devices, mortars and rocket attacks. Typically there can be as many as 15 bombs of varying sizes delivered to targets across the city in a given day, with retaliatory mortar attacks against residential communities. In the single deadliest attack, on 4 February 2007, a suicide bomber driving a truck loaded with one ton of explosives struck a market, killing 135 people and injuring 305. This situation is further compounded by high rates of kidnappings, drive-by shootings and the dumping of mutilated bodies.

50. Indirect fire attacks on the international zone in Baghdad increased from an average of one or two strikes per week in 2006 to over four per week at the beginning of 2007. Apart from the increased threat from indirect fire attacks, there were also a number of shooting incidents in the vicinity of the entry checkpoints to the international zone. On 14 January 2007, a car was stopped at an entry checkpoint carrying around 4 kilograms of explosives concealed within crates of vegetables in the trunk of the vehicle.

51. These security challenges to the integrity of the international zone, and the continuing threat of kidnapping, highlight the risks faced by the United Nations staff in Baghdad. However, extensive mitigation measures are in place within the international zone aimed at reducing the overall risk to United Nations staff. Movement of United Nations staff in the international zone is controlled with a curfew and limitations on travel. Visits to government buildings outside the

international zone require armed escorts, and UNAMI has practised procedures for this requirement. National staff working at all locations in Iraq are exposed to high levels of risk, particularly when travelling to and from work. An Iraq-specific package of measures has been designed to reduce their risk.

52. Frequent revisions and adaptation of security precautions are required to meet emerging threats. The recent commando style raid by militants on the Provincial Joint Coordination Centre in Karbala is one such example. In that case, militants penetrated Iraqi army and police security checkpoints in Karbala on 20 January 2007 by disguising themselves in United States army uniforms and using look-alike vehicles. They succeeded in abducting and later killing five United States officers who were attending a meeting at the base.

53. During the observance of the Shiite holiday of Ashura (20-30 January 2007), a number of violent events took place across the country. On 12 February 2007, during a 15-minute pause to commemorate the first anniversary of the bombing of the Samarra shrine, a massive triple car bomb disrupted the silence and struck the Shorja market, killing 80 and injuring over 150 people. One extraordinary event involved a Shiite group, the Army of Heaven, which clashed with security forces outside Najaf. During the battle a United States attack helicopter was shot down and allegedly more than 200 militants were reportedly killed. Many new and modern weapons, including a truck-mounted anti-aircraft gun, were captured in the process.

54. The lower south region experienced a number of violent incidents. They involved the harassment, ambush and assassination of pilgrims returning from the hajj, particularly near Iskandariyaa. On 16 December 2006, a number of tribal leaders and provincial officials were killed on their return from the national reconciliation conference in Baghdad and, on 1 February 2007, 60 persons were killed by a car bomb in Hilla. In Basra and the surrounding areas, militias have continued to harass and attack the multinational force on a daily basis. Rocket and mortar attacks, particularly against the Basra Palace and the Old State Building, have increased in frequency and accuracy, with up to 10 rocket launchings against Basra Palace in a single day. The United Nations presence at Basra Palace is currently under review, in the light of the recent decision by the United Kingdom to consolidate its presence in the south.

B. Facilities, logistics and support

55. The incidence of indirect fire into the international zone in Baghdad has increased recently. However, only a part of the UNAMI interim accommodation facility has overhead protection, which limits the number of staff who can be safely deployed to Baghdad. A contractor has been identified to construct overhead protection for the remaining area of the compound. It is anticipated that the construction will begin in the near future and be completed within three to four months following the signing of the contract. In the interim, emergency sleeping accommodations have been established in a barrack type facility that has overhead protection. For the future integrated United Nations headquarters in Baghdad, subject to availability of suitable contractor(s), UNAMI expects to start work within a few months on the site allocated by the Iraqi Government. Following site clearance and technical surveys, development plans, including a statement of work, are in the final stage of preparation. UNAMI will continue to use the LOGCAP and

the 607 Agreement when there is no equivalent service provider available either because of the security situation or availability in the mission area.

56. Denmark has provided a dedicated fixed-wing aircraft for UNAMI use, and services commenced on 28 January 2007. Japan has continued to provide a dedicated flight on a weekly basis to UNAMI. These arrangements are time-limited and, in the absence of extensions, alternative options for fixed-wing support beyond 30 June 2007, including commercial options, will have to be explored. The feasibility of introducing commercial rotary-wing helicopter support is also currently under consideration. Helicopter support is critical for movements between Baghdad International Airport and the international zone, and for other movements within Iraq. The ability to maintain reduced risk levels for employing United Nations helicopters is however fundamental to the feasibility of this option.

57. I am very grateful to the Member States that continue to provide logistic and protection support to the United Nations presence in Iraq. UNAMI will face major challenges in 2007 in developing its own operational capacity to become gradually self-reliant. This will include the construction of a permanent office and accommodation facilities and development of independent transport capacities, to the extent possible. Under current security conditions, this will pose substantial logistic and financial challenges. Full support from Member States and the Iraqi Government will be required to achieve these goals. In this context, I remind Member States that the trust fund established in 2004 to support the distinct entity, in accordance with Security Council resolution 1546 (2004), will be exhausted by March 2007. The distinct entity, under multinational force command, has a dedicated mission to provide security for the United Nations presence in Iraq. Since its establishment, it has received over $20 million in contributions from 16 Member States.

C. Agreements

58. The status-of-mission agreement between the United Nations and the Government of Iraq was signed on 3 June 2005, but will enter into force only following formal ratification by the Council of Representatives. While the United Nations has been advised that the matter has been presented to the Council of Representatives for action, the decision is still pending. I strongly urge the Government of Iraq to expedite this process and issue the required official confirmation note as soon as possible.

D. Observations

59. The rising levels of violence, terrorist attacks and sectarian conflict that have gripped large parts of Iraq are increasingly acquiring a self-sustaining dynamic that could overwhelm the country's fragile political processes and institutions. The high level of civilian casualties each day and the increasing number of displacements are deepening the sense of insecurity and pessimism among ordinary Iraqis. If the cycle of violence is not brought under control, efforts made over the past several years could be jeopardized.

60. I note the efforts of the Government of Iraq and the multinational force to improve the security situation, and I encourage all parties concerned to proceed in a

manner that will improve the safety and security of the capital of the country for all Iraqis. Despite some initial success, it is too early to determine the effectiveness of the latest Baghdad security plan. While it will take time for this new security measure to show tangible results, its ultimate success will likely depend on the successful implementation of a wider set of measures aimed at promoting political dialogue, economic development and reconstruction.

61. It is of utmost importance that Iraqi leaders come together in a spirit of mutual respect and compromise. Attaining political objectives through violence will only breed further violence. Only the Iraqi people themselves can determine their common destiny and agree upon the structure of the Iraqi state. New institutions should be built on the principles of fair distribution of power and equitable sharing of national resources and wealth. This would allow all of Iraq's communities to attain greater security, peace and prosperity.

62. To give all Iraqi constituencies a real stake in the future of their country, I call on all parties concerned to support a genuine constitutional review process, which will offer an opportunity to achieve broad consensus on fundamental issues, including federalism and resource-sharing. I hope that the provisions of the new hydrocarbon law, currently before the Council of Representatives, will help safeguard Iraq's future economic prosperity and contribute to the process of national reconciliation. In the hopes of achieving consensus on other critical issues, it is also essential for Iraq's leaders to finalize key pieces of legislation that are still pending, including those on de-Baathification, provincial elections, and a possible amnesty law.

63. The worsening humanitarian and human rights situation has become a cause of serious concern. I note the alarming rate of displacement, which has reached an all-time high, with 2 million refugees in neighbouring countries and nearly 1.9 million displaced inside Iraq. While some of these refugees lived in neighbouring countries prior to March 2003, a substantial number fled following the bombing of the Al-Askari Mosque in Samarra on 22 February 2006. Displacement continues on a daily basis, owing to the ongoing level of violence and intimidation inside Iraq. There is an urgent need for greater international cooperation to address this growing humanitarian crisis. I welcome the generosity of a number of countries especially Jordan and the Syrian Arab Republic. I encourage the international community to support efforts by the United Nations to assist those in need. As civilians continue to bear the brunt of the violence in Iraq, I believe that the situation also calls for the establishment of a national protection system in Iraq based on respect for human rights and the rule of law. For its part, the United Nations will continue to monitor and report on the human rights situation in Iraq.

64. From a regional perspective, I strongly believe in the need to strengthen dialogue between Iraq and its neighbours. Regional actors could play a key role in assisting with the stabilization of Iraq, which could be beneficial to their own long-term security. I welcome the ongoing dialogue between Iraq and its neighbours, through regular bilateral contacts and periodic meetings of regional Foreign Ministers and Interior Ministers. However, given the complexity of the situation inside Iraq, and its wider regional implications, there is a need for more creative thinking on how to improve dialogue between Iraq and all of its neighbours to promote concrete confidence-building measures.

65. In these difficult times, Iraqi politicians, religious leaders, tribal elders and influential members of civil society must not lose sight of the fundamental goal of preserving Iraq's national unity. They must work towards settling their differences peacefully and protecting the human dignity of all Iraqis, irrespective of their creed and ethnicity. Efforts to find political solutions will no doubt represent a daunting challenge, with major obstacles along the way to overcome. There will be no quick solutions; patience and perseverance will be required without artificially rigid timelines. Ultimately, the Iraqi people and their leaders face a fundamental choice, between seeking a negotiated political settlement or drawing further into the abyss of sectarian conflict. I believe that it is still not too late to turn the tide and prevent further escalation.

66. The United Nations is committed to its mandate under resolution 1546 (2004) to play a role in supporting Iraq's political and economic development. Under paragraph 7 (a) of the resolution, the United Nations will continue to engage in political facilitation and offer its good offices to all parties concerned. The United Nations is also committed to providing technical assistance for Iraq's electoral processes and in the building of new democratic and federal institutions. Under paragraph 7 (b) of the resolution, the United Nations will do all it can to support activities in the areas of human rights and the rule of law, as well as with respect to humanitarian assistance, reconstruction and economic development. At the regional and international levels, UNAMI will continue to support the International Compact for Iraq.

67. I would like to reiterate my appreciation to Member States that have supported the activities of the United Nations in Iraq, in particular by providing military advisers and security forces. The United Nations will continue to rely on such support, especially with regard to the distinct entity trust fund, which was established to fund a "middle-ring" force to protect the United Nations presence in Iraq. It is vital that fresh financial contributions are made to the trust fund to ensure that the "middle-ring" force is well resourced in the future. In addition, I am grateful to the Governments of Denmark and Japan for the provision of air support. These arrangements are crucial for the United Nations to operate in Iraq, and I hope that they will continue in the future.

68. I would also like to express my sincere appreciation for the continued efforts of my Special Representative for Iraq, Ashraf Jehangir Qazi. His unwavering commitment and leadership over the past several years is truly admirable. I would also like to extend my special thanks to all staff who have worked under very difficult and challenging circumstances to implement the United Nations mandate in Iraq.

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Letter dated 2 March 2007 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to refer to document S/2007/10 of 9 February 2007, which contains the summary statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration.

Pursuant to the procedure set out in the note by the President of the Security Council of 29 August 1996 (S/1996/704) and now incorporated into the annex to the note by the President of the Security Council of 19 July 2006 (S/2006/507), I have the honour to inform you that the Government of the Republic of Cuba is interested in having retained on the list of matters of which the Security Council is seized the following items submitted by Cuba to the Council, as indicated in paragraph 10 of document S/2007/10:

5. Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378).

6. Letter dated 31 December 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4605).

10. Complaint by Cuba (S/10993).

24. Letter dated 2 February 1990 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council (S/21120).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Rodrigo **Malmierca Díaz**
Ambassador
Permanent Representative

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